

# VIRTUAL LIFE SENTENCES

The lengthening of prison terms starting in the 1980s is well documented as a main driver of mass incarceration. The causes for this increase are changes in policy, not changes in crime, and include establishing mandatory minimums, extending wait times before parole hearings, transferring juveniles to the adult court system, and expanding sentence lengths based on criminal history. The expansion of life sentences is one outcome of these policies.

In addition to statutory life sentences, a sentence of 50 years or longer becomes a virtual life sentence for most individuals. This fact sheet provides a summary of this long-overlooked population of individuals serving such sentences.

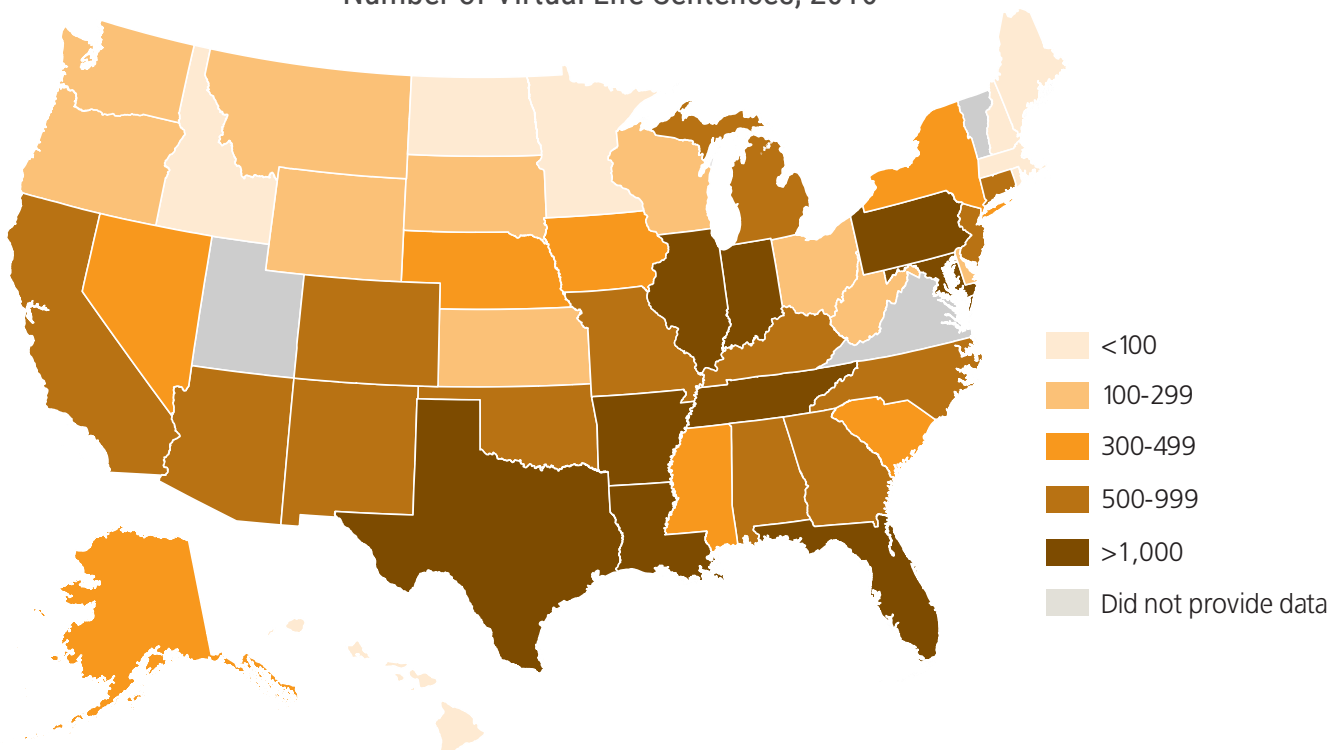
## PREVALENCE OF VIRTUAL LIFE SENTENCES

The Sentencing Project conducted a nationwide census of people serving life sentences in 2016, including collecting data for the first-ever count of virtual life sentences being served. Our research documented that in prisons around the U.S., over 44,000 individuals are serving virtual life sentences.

States with particularly large segments of the population serving virtual life sentences are Alaska, Indiana, Louisiana, Montana, and New Mexico, ranging from 9% to 17% of the state prison population. Among these states, Alaska, Indiana, and Montana are particularly noteworthy because of the disproportionately high number of virtual life sentences in comparison to statutorily defined sentences of life with parole and life without parole. Therefore, they may be overlooked if the focus is solely on statutorily defined life imprisonment.

Alaska is the only state in the U.S. that does not statutorily allow life sentences either with or without parole. However, 9% of its

Number of Virtual Life Sentences, 2016



prison population is serving a virtual life sentence, accounting for one of every 12 prisoners.

Indiana allows life sentences with and without the opportunity for parole but uses them relatively sparingly; less than 1% of all prisoners have either type of life sentence. At the same time, there are 3,537 prisoners in the state serving virtual life sentences, amounting to 14% of the state's overall prison population. Montana, too, imprisons a relatively small number of people for statutory life sentences, but nearly four times as many prisoners are serving de facto life sentences. In the federal system one in 8 prisoners has a virtual life sentence.

## JUVENILE STATUS

More than 2,000 people serving virtual life imprisonment were under 18 at the time of their crime. Half of this total are in Texas and Louisiana, states that already sentence many juveniles to life with and without parole. In Washington and Louisiana, nearly 10% of the virtual life-sentenced population were minors at the time of their crime.<sup>1</sup>

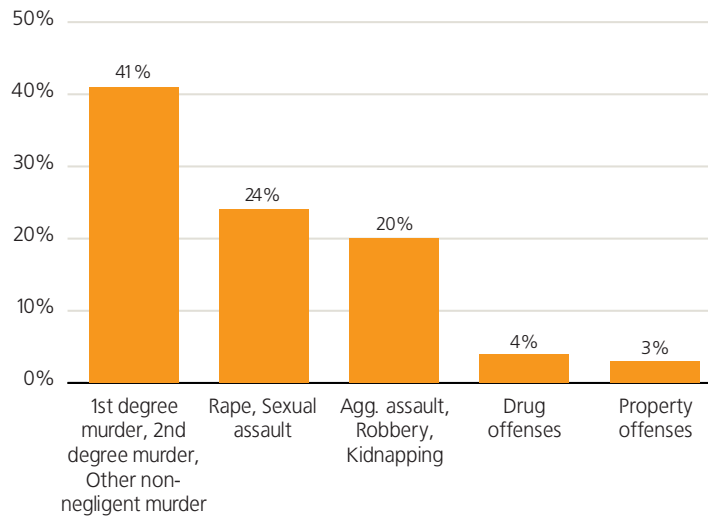
## RACE & GENDER

As with statutorily defined life sentences, people of color make up the largest share of virtual life sentences: 55% are African American, 34% are white, and 12% are Hispanic. In six states, more than two-thirds of those serving virtual life sentences are African American: Maryland, Mississippi, Louisiana, Illinois, South Carolina, and Minnesota. Most people serving virtual life sentences are men, and almost 3% are women, amounting to a total of 1,150. Iowa ranks first in the share of the women's proportion of the virtual life population.

## CRIME OF CONVICTION

Eighty-five percent of the virtual life population has been convicted of a violent crime. Significant numbers

## Crime of Conviction for People Serving Virtual Life Sentences<sup>2</sup>



have also been convicted of non-violent offenses. In New York and Ohio, for instance, more than 10% have been convicted of a property crime, amounting to 354 people in New York and 170 in Ohio. In Arkansas, Mississippi, Idaho, and Iowa, more than 10% of virtual life sentences are the result of a drug conviction, led by Mississippi with 27%.

## CONCLUSION

The number of people serving life sentences continues to grow even while serious, violent crime has been declining for the past 25 years. Increasingly long prison terms, created through enactment of mandatory minimums and habitual offender laws, have not been shown to produce the public safety benefits they promise. This is because most individuals “age out” of crime, and therefore produce diminishing returns for public safety as people enter their thirties and beyond. This examination of virtual life imprisonment sheds light on the lesser known life sentences—those that produce lifelong imprisonment but are not statutorily defined as life with or without parole. As jurisdictions work to bring prison populations into balance, a hard look at those sentenced to the lengthiest terms of imprisonment is critical to success.

1. There are no reported juvenile virtual life prisoners in the states of Hawaii, Idaho, Maine, Maryland, Minnesota, North Dakota, Oklahoma, Rhode Island, West Virginia, or the federal government. Data from New Hampshire, Utah, or Virginia were not provided.  
 2. The crime of conviction for 8 percent of the virtual life population was not specified.